

05-19-06

Attorney Docket No.: LDR/10/US
AK Matter No.: 159656

rfw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: Intervertebral Disk Prosthesis

Application No.: 10/533,846

Filing Date: 11/11/05

Inventor: Jacques Beaurain, et al.

Assignee: LDR Medical

Examiner: Alvin J. Stewart

Art Unit: 3738

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Angela Trampel

INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Pursuant to the guidelines for Information Disclosure Statements, 37 C.F.R. §§ 1.97-1.98, attached hereto are Forms PTO/SB/08A and PTO/SB/08B (19 sheets) with references listed for consideration by the Office.

Pursuant to Official Gazette Notice No. 14, dated August 5, 2003, copies of the listed written U.S. references are not enclosed. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the listed written foreign references and publications are being provided.

In accordance with 37 C.F.R. §§ 1.97(g)-(h), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b) or prior art under 35 U.S.C. §§ 102 or 103.

The examiner should also be aware of the following co-pending applications:

App. Ser. No. 10/276,712 filed 03/26/2003;
App. Ser. No. 10/473,999 filed 04/12/2004;
App. Ser. No. 10/483,563 filed 05/21/2004;
App. Ser. No. 10/476,565 filed 06/08/2004;
App. Ser. No. 10/492,827 filed 07/15/2004;
App. Ser. No. 10/492,753 filed 08/09/2004;
App. Ser. No. 10/498,234 filed 12/07/2004;
App. Ser. No. 11/051,710 filed 02/04/2005;
App. Ser. No. 11/098,266 filed 04/04/2005;
App. Ser. No. 11/109,276 filed 04/18/2005;
App. Ser. No. 11/180,868 filed 07/13/2005;
App. Ser. No. 10/533,846 filed 11/11/2005;
App. Ser. No. 11/341,007 filed 01/27/2006;
App. Ser. No. 11/362,253 filed 02/24/2006;
App. Ser. No. 10/570,080 filed 02/28/2006;
App. Ser. No. 11/378,165 filed 03/17/2006;
App. Ser. No. 11/390,711 filed 03/27/2006;
App. Ser. No. 10/575,065 filed 04/07/2006; and
App. Ser. No. 10/494,418 filed 07/22/2004.

Commonly owned App. Ser. No. 10/060,862 filed 01/30/2002 issued as U.S. Pat. No. 7,037,340 on 05/02/2006.

The Examiner's attention is directed to the following documents being submitted, and to the references cited therein (which are also submitted herewith):

1. FR 2 846 550 Preliminary Search Report, National Institute of Industrial Property (France), July 10, 2003

2. PCT/IB03/04872 International Search Report, EPO, March 3, 2004
3. PCT/IB03/04872 International Preliminary Examination Report, EPO, March 01, 2005
4. FR 2 824 261 Preliminary Search Report, National Institute of Industrial Property (France), February 25, 2002
5. PCT/IB02/02998 International Search Report, EPO, September 16, 2003
6. PCT/IB02/02998 International Preliminary Examination Report, EPO, December 22, 2003
7. FR 2 865 629 Preliminary Search Report, National Institute of Industrial Property (France), September 14, 2004
8. PCT/IB05/00280 International Search Report, EPO, June 24, 2005
9. FR 2 869 528 Preliminary Search Report, National Institute of Industrial Property (France), December 13, 2004
10. PCT/IB05/01151 International Search Report, EPO, September 12, 2005
11. FR 2 831 796 Preliminary Search Report, National Institute of Industrial Property (France), August 2, 2002
12. PCT/IB02/04642 International Search Report, EPO, July 02, 2003
13. PCT/IB02/04642 International Preliminary Examination Report, EPO, April 1, 2004
14. FR 2 865 630 Preliminary Search Report, National Institute of Industrial Property (France), January 12, 2005

The foregoing items 1-3 are search and examination reports relating to this application, and the foregoing items 4-13 are search and examination reports relating to copending applications 10/476,565, 11/051,710, 11/098,266, and 10/494,418. Foregoing item 14 is a search report relating to commonly owned French App. No. FR0405899, filed 06/02/2004.


This Information Disclosure Statement is being filed before receipt of the first Office Action on the merits, so no fee is believed to be due. The Commissioner is hereby authorized to charge any other fees which may be required in connection with the filing, or to credit any

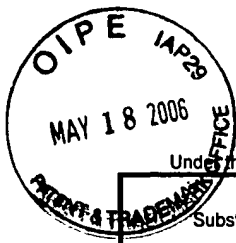
overpayment to Deposit Account No. 50-3534, upon which account the undersigned has the authority to sign. **Duplicate copies of Forms PTO/SB/08A and PTO/SB/08B are enclosed.**

Respectfully submitted,

ANDREWS KURTH LLP

May 18, 2006
Date

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 9

Complete if Known

Application Number	10/533,846
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Art Unit	3738
Examiner Name	Alvin J. Stewart
Attorney Docket Number	LDR/10/US / AK 159656

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-6,368,350	04/09/2002	Erickson, et al.	
		US-5,507,816	04/16/1996	Bullivant	
		US-6,994,727	02/07/2006	Khandkar, et al.	
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Sheet 2 of 9

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		Number-Kind Code ² (if known)			
		US-2004/0073311 A1	04/15/2004	Ferree	
		US-2004/0010316	01/15/2004	William, et al.	
		US-2004/0002761 A1	01/01/2004	Rogers, et al.	
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		Number-Kind Code ² (if known)			
		US-6,723,127	04/20/2004	Ralph, et al.	
		US-6,719,794	04/13/2004	Gerber, et al.	
		US-6,709,439	03/23/2004	Rogers, et al.	
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		Number-Kind Code ² (if known)			
		US-6,610,089 B1	08/26/2003	Liu, et al.	
		US-6,607,558	08/19/2003	Kuras	
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		US-6,419,704	07/16/2002	Ferree	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/533,846
				Filing Date	11/11/05
				First Named Inventor	Jacques Beaurain, et al.
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
Sheet	6	of	9	Attorney Docket Number	LDR/10/US / AK 159656

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-6,231,609	05/15/2001	Mehdizadeh	
		US-6,228,118	05/08/2001	Gordon	
		US-6,224,595 B1	05/01/2001	Michelson	
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		US-6,206,922 B1	03/27/2001	Zdeblick, et al.	
		US-6,193,757 B1	02/27/2001	Foley, et al.	
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		Number-Kind Code ² (if known)			
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Sheet	1	of	7
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Filing Date	11/11/05
First Named Inventor	Jacques Beaurain, et al.
Art Unit	3738
Examiner Name	Alvin J. Stewart
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U. S. PATENT DOCUMENTS

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		FR2865630A1	08/05/2005	France		
		WO03075804A	09/18/2003	PCT		
		DE20310433U	09/18/2003	Germany	See ISR on WO5104996	
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Sheet	2	of	7		

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		WO9956675A	11/11/1999	PCT		
		EP0955021A	11/10/1999	EPO		
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				Application Number	10/533,846
				Filing Date	11/11/05
				First Named Inventor	Jacques Beaurain, et al.
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
				Attorney Docket Number	LDR/10/US / AK 159656
Sheet	4	of	7		

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ –Number ⁴ –Kind Code ⁵ (if known)				
		DE3023353A	04/09/1981	Germany		
		FR2124815A	09/22/1972	France		
		WO05104996	11/10/2005	PCT		
		FR2869528	11/04/2005	France		
		WO05074839	08/18/2005	PCT		
		FR2865629	08/05/2005	France		
		WO04041129A1	05/21/2004	PCT		

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		FR2846550	05/07/2004	France		
		WO03039400A2	05/15/2003	PCT		
		FR2831796	05/09/2003	France		
		FR2824261	11/08/2002	France		
		WO9909914	03/04/1999	PCT		
		EP0747025A1	12/11/1996	EPO		
		FR2723841	03/01/1996	France		✓

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		WO9404100	03/03/1994	PCT		
		EP0566810A1	10/27/1993	EPO		
		WO9301771A	02/04/1993	PCT		
		EP0512529A	11/11/1992	EPO		
		WO9113598A	09/19/1991	PCT		
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		EP0356112	02/28/1990	EPO		
		FR2632516A	12/15/1989	France		
		EP0317972A	05/31/1989	EPO		
		EP0298235A	01/11/1989	EPO		
		DE2263842A	07/04/1974	Germany		

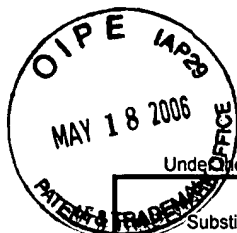
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STATEMENT BY APPLICANT**

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Sheet 1 of 3

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Application Number	10/533,846
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First Named Inventor	Jacques Beaurain, et al.
Art Unit	3738
Examiner Name	Alvin J. Stewart
Attorney Docket Number	LDR/10/US / AK 159656

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		A biological basis for instantaneous centres of rotation of the vertebral column, N. Bouduk, B. Amevo, M. Pearcy, Proc Institution Mechanical Engineers, June 16, 1995, pp 177-183	
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		A New Technique for the Three-Dimensional Study of the Spine in Vitro and In Vivo by Using a Motion-Analysis System, X. Liu, G. Fabry, K. Labey, L. Van Den Berghe, R. Van Audekercke, G. Molenaers, P. Moens, Journal of Spinal Disorders, Vol. 10, No. 4, pp. 329-338, January 30, 1997	
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		Clinical Biomechanics of the Spine, A. A. White III, M. M. Panjabi, pp. 128-130, 2nd Edition, J.B. Lippincott Co., 1990	
		Computer Analysis of Spinal Segment Motion in Degenerative Disc Disease With and Without Axial Loading, J.V. Seligman, S.D. Gertzbein, M. Tile, A., Kapasouri, Spine, Vol. 9., No. 6, pp. 566-573, December 31, 1983	
		FR 2 718 635 Preliminary Search Report, National Institute of Industrial Property (France), January 16, 1995	
		FR 2 730 159 Preliminary Search Report, National Institute of Industrial Property (France), September 29, 1995	
		FR 2 824 261 Preliminary Search Report, National Institute of Industrial Property (France), February 25, 2002	

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		FR 2 831 796 Preliminary Search Report, National Institute of Industrial Property (France), August 2, 2002	
		FR 2 846 550 Preliminary Search Report, National Institute of Industrial Property (France), July 10, 2003	
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		FR 2 865 630 Preliminary Search Report, National Institute of Industrial Property (France), January 12, 2005	
		FR 2 869 528 Preliminary Search Report, National Institute of Industrial Property (France), December 13, 2004	
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		Mobidisc (website) 1 page, www.lidrmedical.fr/mobidisc.htm, September 19, 2004	
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		PCT/IB02/04642 International Search Report, EPO, July 02, 2003	
		PCT/IB05/00280 International Search Report, EPO, June 24, 2005	
		PCT/IB05/01151 International Search Report, EPO, September 12, 2005	
		PCT/IB03/04872 International Search Report, EPO, March 3, 2004	
		PCT/IB02/02998 International Preliminary Examination Report, EPO, December 22, 2003	
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		The Effect of the Three Columns of the Spine on the Instantaneous Axis of Rotation in Flexion and Extension, T. R. Maher, M. Bergman, M. O'Brien, W. T. Felmy, J. Choueka, D. Welin, G. Chow, A. Vassiliou, Spine, Vol. 16, Number 8, pp S312-S318, April 16, 1991	

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